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10/004,845	12/07/2001	Said Soulhi	P15289	7811

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EXAMINER

CONTINO, PAUL F

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,845

Applicant(s)

SOULHI, SAID

Examiner

Paul Contino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 8 line 17 states "Police Enforcement" where Examiner assumes "Police" to be "Policy".

Appropriate correction is required.

Claim Objections

2. Claim 28 is objected to because of the following informalities: in lines 2 and 3 the claim states "to a network element a managed network" which is confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 and 13-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bortcosh et al. (U.S. Patent No. 5,983,364).

As in claim 1, Bortcosh et al. discloses a method for policy-based test management, the method comprising the steps of:

i) defining at least one high-level test policy for test management, the test policy comprising one or more testing actions to be executed when one or more pre-defined conditions are met (Fig. 2; column 3 lines 22-46; where diagnosis and correction is interpreted as a test policy, questions are interpreted as testing actions, and problems with appropriate file sets are interpreted as pre-defined conditions – see further column 4 lines 55-62);

ii) based on the high-level test policy, creating one or more test scripts associated to the testing actions of the test policy, the test scripts being set to be executed when the one or more pre-defined conditions are met (column 4 lines 9-13, where the test script questions are executed upon the pre-defined condition of a problem; it is inherent that the test scripts have been created);

iii) detecting when the one or more pre-defined conditions are met (column 5 lines 22-31); and

iv) executing the one or more test scripts (column 5 lines 53-54 and column 6 lines 40-42).

As in claim 2, Bortcosh et al. discloses the steps i) and ii) are performed by a test management functionality (Fig. 1 #28; column 3 lines 59-62).

As in claim 3, Bortcosh et al. discloses prior to step i), the step of:

defining high-level test goals (column 3 line 25 where the correcting of a problem is interpreted as a high-level test goal);

wherein the at least one high-level test policy for test management is defined according to the test goals (column 3 lines 23-46 where the test policy of diagnosis and correction is based upon the test goal of eventual defining and correcting a problem).

As in claim 4, Bortcosh et al. discloses the at least one high-level test policy is vendor-independent (column 4 lines 53-58, where the computer system is implied to be that of any vendor).

As in claim 5, Bortcosh et al. discloses the at least one high-level test policy is technology-independent (column 4 lines 53-58, where the range of computer system components to which the test policy is applied, such as a display, mouse, and modem, implies technology-independence).

As in claim 6, Bortcosh et al. discloses between steps iii) and iv) the step of: v) using the high-level test policy to deduct which test scripts are to be executed based on the detected pre-defined conditions (column 3 lines 25-27, where the selecting of an appropriate file set for a particular problem is interpreted as deducting which test script to use; and column 6 lines 36-42, which provides an example of execution of an appropriate test script for a particular problem).

As in claim 7, Bortcosh et al. discloses the at least one high-level test policy comprises an expression of the form IF(condition)THEN(action), wherein a condition parameter is related to the one or more pre-defined conditions, and an action parameter is related to the one or more test scripts (column 10 line 66 through column 11 line 21, where the IF(condition)THEN(action) expression is interpreted as IF(problem/fault)THEN(execute appropriate question script)).

As in claim 8, Bortcosh et al. discloses wherein steps iii) and v) are performed in a test server (Fig. 1 #28; column 5 lines 16-31, column 3 lines 25-27, and column 6 lines 36-42, where executive unit 28 is interpreted as a test server), and wherein the method further comprises the step of:

transmitting the one or more test scripts to be executed from the test server to a network element acting as a Policy Enforcement Point (PEP), wherein step iv) is performed by the network element (Fig. 1; column 5 lines 53-54 and column 4 lines 9-10 and column 6 lines 36-42, where the script management unit 36 is interpreted as a PEP network element).

As in claim 9, Bortcosh et al. discloses steps iii) and v) are performed in an Element Manager/Network Manager (EM/NM) acting as a Policy Decision Point (PDP) (Fig. 1 #28; column 5 lines 16-31, column 3 lines 25-27, and column 6 lines 36-42, where executive unit 28 is interpreted as an EM/NM acting as a PDP), and wherein the method further comprises the step of:

transmitting the high-level test policy along with the one or more test scripts associated to the test policy from a test server to the EM/NM (column 3 lines 23-27, column 3 line 59 through

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column 4 line 8, and column 4 lines 18-25, where the database server containing file sets 60 is interpreted as a test server containing the test policy), wherein the EM/NM forwards the one or more test scripts to a network element connected to the EM/NM (Fig. 1; column 5 lines 53-54 and column 4 lines 9-10 and column 6 lines 36-42, where the script management unit 36 is interpreted as a network element).

As in claim 10, Bortcosh et al. discloses steps iii), iv) and v) are performed in a network element of a managed network (Fig. 1 #28; column 5 lines 16-31, column 3 lines 25-27, and column 6 lines 36-42, where executive unit 28 is interpreted as a network element), and wherein the method further comprises the step of:

transmitting the high-level test policy along with the one or more test scripts associated to the test policy from a test server to the network element (column 3 lines 23-27, column 3 line 59 through column 4 line 8, and column 4 lines 18-25, where the database server 40 containing file sets 60 is interpreted as a test server containing the test policy).

As in claim 11, Bortcosh et al. discloses the network element stores the high-level test policy along with the one or more test scripts associated to the test policy in a Policy Information Base (PIB) (column 3 lines 23-27, column 3 line 59 through column 4 line 8, and column 4 lines 18-25, where the database 40 is interpreted as a PIB).

As in claim 13, Bortcosh et al. discloses a policy-based test management system comprising:

a test management functionality defining at least one high-level test policy for test management comprising one or more testing actions to be executed when one or more pre-defined conditions are met (Fig. 2; column 3 lines 22-46; where diagnosis and correction is interpreted as a test policy, questions and remedies are interpreted as testing actions, and problems with appropriate file sets are interpreted as pre-defined conditions – see further column 4 lines 55-62), wherein the test management functionality is used to create one or more test scripts associated to the testing actions and based on the high-level test policy, the test scripts being set to be executed when the one or more pre-defined conditions are met (column 4 lines 9-13, where the test script questions are executed upon the pre-defined condition of a problem; it is inherent that the test scripts have been created as in the table of columns 6-8; the inherent developer of the script is interpreted as part of the test management functionality); and

a Policy Decision Point (PDP) connected to the test management functionality and detecting when the one or more pre-defined conditions are met (Fig. 1 #20,28; column 3 lines 32-33, where the expert system 20 is interpreted as a PDP and execution unit 28 is interpreted as part of the test unit management functionality).

As in claim 14, Bortcosh et al. discloses the test management functionality is first used for defining high-level test goals (column 3 line 25 where the correcting of a problem is interpreted as a high-level test goal), and the test policy for test management is defined according to the test goals (column 3 lines 23-46 where the test policy of diagnosis and correction is based upon the test goal of eventual defining and correcting a problem).

As in claim 15, Bortcosh et al. discloses the at least one high-level test policy is vendor-independent (column 4 lines 53-58, where the computer system is implied to be that of any vendor).

As in claim 16, Bortcosh et al. discloses the at least one high-level test policy is technology-independent (column 4 lines 53-58, where the range of computer system components to which the test policy is applied, such as a display, mouse, and modem, implies technology-independence).

As in claim 17, Bortcosh et al. discloses the PDP uses the high-level test policy to deduct which test scripts are to be executed based on the detected pre-defined conditions (column 3 lines 25-27, where the selecting of an appropriate file set for a particular problem is interpreted as deducting which test script to use; and column 6 lines 36-42, which provides an example of execution of an appropriate test script for a particular problem).

As in claim 18, Bortcosh et al. discloses the at least one high-level test policy comprises an expression of the form IF(condition)THEN(action), wherein a condition parameter is related to the one or more pre-defined conditions, and an action parameter is related to the one or more test scripts (column 10 line 66 through column 11 line 21, where the IF(condition)THEN(action) expression is interpreted as IF(problem/fault)THEN(execute appropriate question script)).

As in claim 19, Bortcosh et al. discloses the PDP is connected to the test management functionality and receives from the test management functionality the test policy along with the associated test scripts (column 3 lines 60-66 and 4 lines 18-24, where the databases 40 are interpreted as part of the test management functionality and where the database file sets 60 are interpreted as containing the test policy), wherein when the one or more pre-defined conditions are met, the PEP deducts from the test policy which test scripts are to be executed and triggers an execution of the test scripts (column 3 lines 25-27, where the selecting of an appropriate file set for a particular problem is interpreted as deducting which test script to use; and column 6 lines 36-42, which provides an example of triggered execution of an appropriate test script for a particular problem).

As in claim 20, Bortcosh et al. discloses a network element of a managed network connected to the PDP, wherein the PDP transmits to the network element the test scripts to be executed by the network element (Fig. 1; column 5 lines 53-54 and column 4 lines 9-10 and column 6 lines 36-42, where the script management unit 36 is interpreted as a network element).

As in claim 21, Bortcosh et al. discloses the PDP is a test server comprising a memory for storing the test policies along with the associated test scripts (column 4 lines 18-21, where the executive unit 28 PDP is interpreted as a test server, and the loading of data from the database 40 containing file sets 60 implies memory and storage space for the data).

As in claim 22, Bortcosh et al. discloses the PDP is an Element Manager/Network Manager (EM/NM) connected to a network element of a managed network and comprising a Policy Information Base (PIB) for storing the test policies along with the associated test scripts (column 3 lines 23-27, column 3 line 59 through column 4 line 8, and column 4 lines 18-25, where the executive unit 28 PDP is interpreted as an EM/NM and the database server containing file sets 60 is interpreted as a PIB; column 4 line 18 where executive unit 28 is connected to network element remote unit 26).

As in claim 23, Bortcosh et al. discloses the PDP is a network element of a managed network and comprising a Policy Information Base (PIB) for storing the test policy along with the associated test scripts (Fig. 1 #28,40; column 3 line 23 through column 4 line 21, where database 40 is interpreted as a PIB).

As in claim 24, Bortcosh et al. discloses a Policy Decision Point (PDP) (Fig. 1) comprising:

a Policy Information Base (PIB) (Fig. 1 #40) storing:

- i) at least one high-level test policy for test management, the test policy comprising one or more testing actions to be executed when one or more pre-defined conditions are met (Fig. 2; column 3 lines 22-46; where diagnosis and correction is interpreted as a test policy, questions and remedies are interpreted as testing actions, and problems with appropriate file sets are interpreted as pre-defined conditions – see further column 4 lines 55-62; column 3 lines 60-66,

where the collection of objects in the database 40 PIB is interpreted as containing the test policy);

ii) one or more test scripts associated with the testing actions of the test policy, the test scripts being set to be executed when the one or more pre-defined conditions are met (column 4 lines 9-13, where the test scripts are executed upon the pre-defined condition of a problem);

an engine detecting when the one or more pre-defined conditions are met, and if so, triggering an execution of the test scripts (column 6 lines 36-42, which provides an example of triggered execution of an appropriate test script for a particular problem, the engine including units 20 and 28).

As in claim 25, Bortcosh et al. discloses the PIB is provisioned with the test policy and the test scripts from a test management functionality (it is inherent that a developer, interpreted as a test management functionality, of the database objects of column 3 lines 64-66 provided to the database 40 PIB the test policy and test scripts).

As in claim 26, Bortcosh et al. discloses the PDP is a test server and the engine is a rule-based engine (Fig. 1; the system of Fig. 1 is interpreted as a test server; the engine units 20 and 28 are interpreted as a rule-based engine based upon their processing of diagnosis and correction as disclosed in column 3 lines 23-46).

As in claim 27, Bortcosh et al. discloses PDP is an Element Manager/Network Manager (EM/NM) and the engine is a fault manager (column 3 lines 23-46, column 4 lines 60-61, and column 5 lines 20-21, where executive unit 28 PDP/engine element is interpreted as an EM/NM which manages problems/faults).

As in claim 28, Bortcosh et al. discloses when the one or more pre-defined conditions are met, the PDP sends the one or more test scripts to a network element a managed network, which in turn executes the one or more test scripts (Fig. 1; column 5 lines 53-54 and column 4 lines 9-10 and column 6 lines 36-42, where the script management unit 36 is interpreted as a network element).

As in claim 29, Bortcosh et al. discloses when the one or more pre-defined conditions are met, the PDP acts also as a Policy Enforcement Point and executes the one or more test scripts (Fig. 1; column 5 lines 53-54 and column 4 lines 9-10 and column 6 lines 36-42, where the script management unit 36 is interpreted as part of the PDP).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bortcosh et al. in view of Sahita et al. (U.S. PGPub 2002/0143913 A1).

As in claim 12, Bortcosh et al. discloses performing the step of transmitting the high-level test policy along with the one or more test scripts associated to the test policy from a test server to the EM/NM. However, Bortcosh et al. fails to disclose of using Common Open Policy Service extensions for PRovisioning (COPS-PR) protocol. Sahita et al. discloses use of the COPS-PR protocol in a PDP/PEP environment (paragraph [0008]).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the COPS-PR protocol as disclosed by Sahita et al. in the invention of Bortcosh et al. It would have been obvious because the COPS-PR protocol increases the overall flexibility of a network configuration (paragraph [0009] lines 1-4).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 7:30 am - 5:00 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3657.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFC
February 24, 2005

Bryce P. Bonzo
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